General Assembly

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Sixty-fourth session
Agenda item 69 (*b*)

Resolution adopted by the General Assembly

[*on the report of the Third Committee (A/64/439/Add.2 (Part II))*]

64/161. National institutions for the promotion and protection of human rights

The General Assembly,

Recalling its previous resolutions, the most recent of which is resolution 63/172 of 18 December 2008, and those of the Commission on Human Rights concerning national institutions and their role in the promotion and protection of human rights,

Welcoming the rapidly growing interest throughout the world in the creation and strengthening of independent, pluralistic national institutions for the promotion and protection of human rights,

Recalling the principles relating to the status of national institutions for the promotion and protection of human rights ("the Paris Principles"),[1]

Reaffirming the important role that such national institutions play and will continue to play in promoting and protecting human rights and fundamental freedoms, in strengthening participation and the rule of law and in developing and enhancing public awareness of those rights and freedoms,

Recognizing the important role of the United Nations, in particular the Office of the United Nations High Commissioner for Human Rights, in assisting the development of independent and effective national human rights institutions, guided by the Paris Principles, and recognizing also in this regard the potential for strengthened and complementary cooperation among the United Nations, the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights and those national institutions in the promotion and protection of human rights,

Recalling the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights on 25 June 1993,[2] which reaffirmed the important and constructive role played by national human rights institutions, in

[1] Resolution 48/134, annex.

[2] A/CONF.157/24 (Part I), chap. III.

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particular in their advisory capacity to the competent authorities and their role in preventing and remedying human rights violations, in disseminating information on human rights and in education in human rights,

Reaffirming that all human rights are universal, indivisible, interrelated, interdependent and mutually reinforcing, and that all human rights must be treated in a fair and equal manner, on the same footing and with the same emphasis,

Bearing in mind the significance of national and regional particularities and various historical, cultural and religious backgrounds, and that all States, regardless of their political, economic and cultural systems, have the duty to promote and protect all human rights and fundamental freedoms,

Recalling the programme of action adopted by national institutions, at their meeting held in Vienna in June 1993 during the World Conference on Human Rights,[3] for the promotion and protection of human rights, in which it was recommended that United Nations activities and programmes should be reinforced to meet the requests for assistance from States wishing to establish or strengthen their national institutions for the promotion and protection of human rights,

Taking note with appreciation of the reports of the Secretary-General to the Human Rights Council on national institutions for the promotion and protection of human rights[4] and on the accreditation process of the International Coordinating Committee,[5]

Welcoming the strengthening in all regions of regional cooperation among national human rights institutions, noting with appreciation the continuing work of the European Group of National Human Rights Institutions, the Network of National Institutions for the Promotion and Protection of Human Rights in the Americas, the Asia-Pacific Forum of National Human Rights Institutions and the Network of African National Human Rights Institutions, and encouraging them to participate in the workshop on regional arrangements for the promotion and protection of human rights to be organized by the Office of the High Commissioner in 2010,

1. *Takes note with appreciation* of the report of the Secretary-General[6] and the conclusions contained therein;

2. *Reaffirms* the importance of the development of effective, independent and pluralistic national institutions for the promotion and protection of human rights, in accordance with the Paris Principles;[1]

3. *Recognizes* the role of independent national institutions for the promotion and protection of human rights in working together with Governments to ensure full respect for human rights at the national level, including by contributing to follow-up actions, as appropriate, to the recommendations resulting from the international human rights mechanisms;

4. *Welcomes* the increasingly important role of national institutions for the promotion and protection of human rights in supporting cooperation between their Governments and the United Nations in the promotion and protection of human rights;

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[1] See A/CONF.157/NI/6.

[4] A/HRC/10/54.

[5] A/HRC/10/55.

[6] A/64/320.

5. *Recognizes* that, in accordance with the Vienna Declaration and Programme of Action,[2] it is the right of each State to choose the framework for national institutions that is best suited to its particular needs at the national level in order to promote human rights in accordance with international human rights standards;

6. *Encourages* Member States to establish effective, independent and pluralistic national institutions or, where they already exist, to strengthen them for the promotion and protection of all human rights and fundamental freedoms for all, as outlined in the Vienna Declaration and Programme of Action;

7. *Welcomes* the growing number of States establishing or considering the establishment of national institutions for the promotion and protection of human rights;

8. *Encourages* national institutions for the promotion and protection of human rights established by Member States to continue to play an active role in preventing and combating all violations of human rights as enumerated in the Vienna Declaration and Programme of Action and relevant international instruments;

9. *Recognizes* the role played by national institutions for the promotion and protection of human rights in the Human Rights Council, including its universal periodic review mechanism, in both preparation and follow-up, and the special procedures, as well as in the human rights treaty bodies, in accordance with Council resolutions 5/1 and 5/2 of 18 June 2007[3] and Commission on Human Rights resolution 2005/74 of 20 April 2005;[5]

10. *Stresses* the importance of the financial and administrative independence and stability of national human rights institutions for the promotion and protection of human rights, and notes with satisfaction the efforts of those States that have provided their national institutions with more autonomy and independence, including by giving them an investigative role or enhancing such a role, and encourages other Governments to consider taking similar steps;

11. *Urges* the Secretary-General to continue to give high priority to requests from Member States for assistance in the establishment and strengthening of national human rights institutions;

12. *Underlines* the importance of the autonomy and independence of Ombudsman institutions, encourages increased cooperation between national human rights institutions and regional and international associations of Ombudsmen, also encourages Ombudsman institutions to actively draw on the standards enumerated in international instruments and the Paris Principles to strengthen their independence and increase their capacity to act as national human rights protection mechanisms, and in this regard reaffirms General Assembly resolution 63/169 of 18 December 2008 on the role of Ombudsman institutions;

13. *Commends* the high priority given by the Office of the United Nations High Commissioner for Human Rights to work on national human rights institutions, encourages the High Commissioner, in view of the expanded activities

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[3] See *Official Records of the General Assembly, Sixty-second Session, Supplement No. 53* (A/62/53), chap. IV, sect. A.

[5] See *Official Records of the Economic and Social Council, 2005, Supplement No. 3* and corrigenda (E/2005/23 and Corr.1 and 2), chap. II, sect. A.

relating to national institutions, to ensure that appropriate arrangements are made and budgetary resources provided to continue and further extend activities in support of national institutions, and invites Governments to contribute additional voluntary funds to that end;

14. *Requests* the Secretary-General to continue to provide the necessary assistance for holding international and regional meetings of national institutions, including meetings of the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights, in cooperation with the Office of the High Commissioner;

15. *Encourages* national institutions, including Ombudsman institutions, to seek accreditation status through the International Coordinating Committee;

16. *Encourages* all Member States to take appropriate steps to promote the exchange of information and experience concerning the establishment and effective operation of national institutions;

17. *Encourages* all United Nations human rights mechanisms as well as agencies, funds and programmes to work within their respective mandates with Member States and national institutions in the promotion and protection of human rights with respect to, inter alia, projects in the area of good governance and the rule of law, and in this regard welcomes the efforts made by the High Commissioner to develop partnerships in support of national institutions;

18. *Requests* the Secretary-General to report to the General Assembly at its sixty-sixth session on the implementation of the present resolution.

65th plenary meeting
18 December 2009

United Nations A/RES/64/162

General Assembly

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17 March 2010

Sixty-fourth session
Agenda item 69 (*b*)

Resolution adopted by the General Assembly

[on the report of the Third Committee (A/64/439/Add.2 (Part II))]

64/162. Protection of and assistance to internally displaced persons

The General Assembly,

Recalling that internally displaced persons are persons or groups of persons who have been forced or obliged to flee or to leave their homes or places of habitual residence, in particular as a result of or in order to avoid the effects of armed conflict, situations of generalized violence, violations of human rights or natural or human-made disasters, and who have not crossed an internationally recognized State border,[1]

Recognizing that internally displaced persons are to enjoy, in full equality, the same rights and freedoms under international and domestic law as do other persons in their country,

Deeply disturbed by the alarmingly high numbers of internally displaced persons throughout the world, for reasons including armed conflict, violations of human rights and natural or human-made disasters, who receive inadequate protection and assistance, and conscious of the serious challenges that this is creating for the international community,

Recognizing that natural disasters are a cause of internal displacement, and concerned about factors, such as climate change, that are expected to exacerbate the impact of natural hazards, and climate-related slow-onset events,

Recognizing also that the consequences of hazards can be prevented or substantially mitigated by integrating disaster risk reduction strategies into national development policies and programmes,

Conscious of the human rights and humanitarian dimensions of the problem of internally displaced persons, including in long-term displacement situations, and the responsibilities of States and the international community to strengthen further their protection and assistance,

[1] See Guiding Principles on Internal Displacement (E/CN.4/1998/53/Add.2, annex), introduction, para. 2.

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Emphasizing that States have the primary responsibility to provide protection and assistance to internally displaced persons within their jurisdiction, as well as to address the root causes of the displacement problem in appropriate cooperation with the international community,

Reaffirming that all persons, including those internally displaced, have the right to freedom of movement and residence and should be protected against being arbitrarily displaced,[2]

Noting the international community's growing awareness of the issue of internally displaced persons worldwide and the urgency of addressing the root causes of their displacement and finding durable solutions, including voluntary return in safety and with dignity, as well as voluntary local integration in the areas to which persons have been displaced or voluntary settlement in another part of the country,

Recalling the relevant norms of international law, including international human rights law, international humanitarian law and international refugee law, and recognizing that the protection of internally displaced persons has been strengthened by identifying, reaffirming and consolidating specific standards for their protection, in particular through the Guiding Principles on Internal Displacement,[3]

Noting, in this regard, that 2009 marks the sixtieth anniversary of the Geneva Conventions of 1949,[4] which constitute one vital legal framework for the protection of and assistance to civilians in armed conflict and under foreign occupation, including internally displaced persons,

Welcoming the adoption on 22 October 2009 of the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa,[5] which marks a significant step towards strengthening the national and regional normative framework for the protection of and assistance to internally displaced persons,

Welcoming also the increasing dissemination, promotion and application of the Guiding Principles when dealing with situations of internal displacement,

Deploring practices of forced displacement and their negative consequences for the enjoyment of human rights and fundamental freedoms by large groups of populations, and recalling the relevant provisions of the Rome Statute of the International Criminal Court that define the deportation or forcible transfer of population as a crime against humanity, and the unlawful deportation, transfer, or ordering the displacement of the civilian population as war crimes,[6]

Welcoming the cooperation established between the Representative of the Secretary-General on the human rights of internally displaced persons and national Governments, the relevant offices and agencies of the United Nations as well as with other international and regional organizations, and encouraging further strengthening of this collaboration in order to promote better strategies for, protection of, assistance to and durable solutions for internally displaced persons,

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[2] See Guiding Principles on Internal Displacement, principle 9.

[3] E/CN.4/1998/53/Add.2, annex.

[4] United Nations, *Treaty Series*, vol. 75, Nos. 970–973.

[5] Available from www.africa-union.org.

[6] Art. 7, paras. 1 (*d*) and 2 (*d*), and art. 8, paras. 2 (*a*) (vii) and 2 (*e*) (viii) (see United Nations, *Treaty Series*, vol. 2187, No. 38544).

Acknowledging with appreciation the important and independent contribution of the International Red Cross and Red Crescent Movement and other humanitarian agencies in protecting and assisting internally displaced persons, in cooperation with relevant international bodies,

Recalling the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights on 25 June 1993,[7] regarding the need to develop global strategies to address the problem of internal displacement,

Recalling also its resolution 62/153 of 18 December 2007 and Human Rights Council resolution 6/32 of 14 December 2007,[8]

1. *Welcomes* the report of the Representative of the Secretary-General on the human rights of internally displaced persons[9] and the conclusions and recommendations contained therein;

2. *Commends* the Representative of the Secretary-General for the activities undertaken so far, for the catalytic role that he plays in raising the level of awareness about the plight of internally displaced persons and for his ongoing efforts to address their development and other specific needs, including through the mainstreaming of the human rights of internally displaced persons into all relevant parts of the United Nations system;

3. *Encourages* the Representative of the Secretary-General, through continuous dialogue with Governments and all intergovernmental and non-governmental organizations concerned, to continue his analysis of the root causes of internal displacement and of the needs and human rights of those displaced, to continue the development of benchmarks for achieving durable solutions and measures of prevention, including early warning, as well as ways to strengthen protection, assistance and durable solutions for internally displaced persons, and to continue to promote comprehensive strategies, taking into account the primary responsibility of States for the protection of and assistance to internally displaced persons within their jurisdiction;

4. *Expresses its appreciation* to those Governments and intergovernmental and non-governmental organizations that have provided protection and assistance to internally displaced persons and have supported the work of the Representative of the Secretary-General;

5. *Calls upon* States to provide durable solutions, and encourages strengthened international cooperation, including through the provision of resources and expertise to assist affected countries, and in particular developing countries, in their national efforts and policies related to assistance, protection and rehabilitation for internally displaced persons;

6. *Expresses particular concern* at the grave problems faced by many internally displaced women and children, including violence and abuse, sexual exploitation, trafficking in persons, forced recruitment and abduction, and encourages the continued commitment of the Representative of the Secretary-General to promote action to address their particular assistance, protection and development needs, as well as those of other groups with special needs, such as severely traumatized

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[7] A/CONF.157/24 (Part I), chap. III.

[8] See *Official Records of the General Assembly, Sixty-third Session, Supplement No. 53* (A/63/53), chap. I, sect. A.

[9] See A/64/214.

individuals, older persons and persons with disabilities, taking into account the relevant resolutions of the General Assembly and of the Security Council and giving appropriate consideration to annex I to the report of the Special Representative of the Secretary-General for Children and Armed Conflict, entitled "Rights and guarantees for internally displaced children";[10]

7. *Emphasizes* the importance of consultation with internally displaced persons and host communities by Governments and other relevant actors, in accordance with their specific mandates, during all phases of displacement, as well as the participation of internally displaced persons, where appropriate, in programmes and activities pertaining to them, taking into account the primary responsibility of States for the protection of and assistance to internally displaced persons within their jurisdiction;

8. *Notes* the importance of taking the human rights and the specific protection and assistance needs of internally displaced persons into consideration, when appropriate, in peace processes, and emphasizes that durable solutions for internally displaced persons, including through voluntary return, sustainable reintegration and rehabilitation processes and their active participation, as appropriate, in the peace process, are necessary elements of effective peacebuilding;

9. *Welcomes* the role of the Peacebuilding Commission in this regard, and continues to urge the Commission to intensify its efforts, within its mandate, in cooperation with national and transitional Governments and in consultation with the relevant United Nations entities, to incorporate the rights and the specific needs of internally displaced persons, including their voluntary return in safety and with dignity, reintegration and rehabilitation, as well as related land and property issues, when advising on or proposing country-specific peacebuilding strategies for post-conflict situations in cases under consideration;

10. *Recognizes* the Guiding Principles on Internal Displacement[3] as an important international framework for the protection of internally displaced persons, welcomes the fact that an increasing number of States, United Nations organizations and regional and non-governmental organizations are applying them as a standard, and encourages all relevant actors to make use of the Guiding Principles when dealing with situations of internal displacement;

11. *Welcomes* the ongoing use of the Guiding Principles by the Representative of the Secretary-General in his dialogue with Governments, intergovernmental and non-governmental organizations and other relevant actors, and requests him to continue his efforts to further the dissemination, promotion and application of the Guiding Principles and to provide support for efforts to promote capacity-building and the use of the Guiding Principles, as well as the development of domestic legislation and policies;

12. *Encourages* States to continue to develop and implement domestic legislation and policies dealing with all stages of displacement, in an inclusive and non-discriminatory way, including through the identification of a national focal point within the Government for issues of internal displacement, and through the allocation of budget resources, and encourages the international community and national actors to provide financial support and cooperation to Governments, upon request, in this regard;

[10] See A/64/254.

13. *Expresses its appreciation* that an increasing number of States have adopted domestic legislation and policies dealing with all stages of displacement;

14. *Urges* all Governments to continue to facilitate the activities of the Representative of the Secretary-General, in particular Governments with situations of internal displacement, and to respond favourably to requests from the Representative for visits so as to enable him to continue and enhance dialogue with Governments in addressing situations of internal displacement, and thanks those Governments that have already done so;

15. *Invites* Governments to give serious consideration, in dialogue with the Representative of the Secretary-General, to the recommendations and suggestions addressed to them, in accordance with his mandate, and to inform him of measures taken thereon;

16. *Calls upon* Governments to provide protection and assistance, including reintegration and development assistance, to internally displaced persons, and to facilitate the efforts of the relevant United Nations agencies and humanitarian organizations in these respects, including by further improving access to internally displaced persons and by maintaining the civilian and humanitarian character of camps and settlements for internally displaced persons where they exist;

17. *Emphasizes* the central role of the Emergency Relief Coordinator for the inter-agency coordination of protection of and assistance to internally displaced persons, welcomes continued initiatives taken in order to ensure better protection, assistance and development strategies for internally displaced persons, as well as better coordination of activities regarding them, and emphasizes the need to strengthen the capacities of the United Nations organizations and other relevant actors to meet the immense humanitarian challenges of internal displacement;

18. *Encourages* all relevant United Nations organizations and humanitarian assistance, human rights and development organizations to enhance their collaboration and coordination, through the Inter-Agency Standing Committee and United Nations country teams in countries with situations of internal displacement, and to provide all possible assistance and support to the Representative of the Secretary-General, and requests the continued participation of the Representative in the work of the Inter-Agency Standing Committee and its subsidiary bodies;

19. *Notes with appreciation* the increased attention paid to the issue of internally displaced persons in the consolidated appeals process, and encourages further efforts in this regard;

20. *Also notes with appreciation* the increasing role of national human rights institutions in assisting internally displaced persons and in promoting and protecting their human rights;

21. *Recognizes* the relevance of the global database on internally displaced persons advocated by the Representative of the Secretary-General, and encourages the members of the Inter-Agency Standing Committee and Governments to continue to collaborate on and support this effort, including by providing financial resources and relevant data on situations of internal displacement;

22. *Welcomes* the initiatives undertaken by regional organizations, such as the African Union, the International Conference on the Great Lakes Region, the Organization of American States and the Council of Europe, to address the protection, assistance and development needs of internally displaced persons and to find durable solutions for them, and encourages regional organizations to strengthen their activities and their cooperation with the Representative of the Secretary-General;

23. *Requests* the Secretary-General to provide his Representative, from within existing resources, with all assistance necessary to carry out his mandate effectively, and encourages the Office of the United Nations High Commissioner for Human Rights, in close cooperation with the Emergency Relief Coordinator, the Office for the Coordination of Humanitarian Affairs of the Secretariat and the Office of the United Nations High Commissioner for Refugees and all other relevant United Nations offices and agencies, to continue to support the Representative;

24. *Encourages* the Representative of the Secretary-General to continue to seek the contributions of States, relevant organizations and institutions in order to create a more stable basis for his work;

25. *Requests* the Representative of the Secretary-General to prepare, for the General Assembly at its sixty-fifth and sixty-sixth sessions, a report on the implementation of the present resolution;

26. *Decides* to continue its consideration of the question of protection of and assistance to internally displaced persons at its sixty-sixth session.

65th plenary meeting
18 December 2009

General Assembly

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Sixty-fourth session
Agenda item 69 (b)

Resolution adopted by the General Assembly

[on the report of the Third Committee (A/64/439/Add.2 (Part II))]

64/163. Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms

The General Assembly,

Recalling its resolution 53/144 of 9 December 1998, by which it adopted by consensus the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms annexed to that resolution, and reiterating the importance of the Declaration and its promotion and implementation,

Recalling also all previous resolutions on this subject, in particular its resolution 62/152 of 18 December 2007 and Human Rights Council resolution 7/8 of 27 March 2008,[1]

Noting with deep concern that in many countries persons and organizations engaged in promoting and defending human rights and fundamental freedoms frequently face threats and harassment and suffer insecurity as a result of those activities, including through restrictions on freedom of association or expression or the right to peaceful assembly, or abuse of civil or criminal proceedings,

Gravely concerned that, in some instances, national security and counter-terrorism legislation and other measures have been misused to target human rights defenders or have hindered their work and safety in a manner contrary to international law,

Gravely concerned also by the continuing high level of human rights violations committed against persons engaged in promoting and defending human rights and fundamental freedoms around the world and by the fact that in many countries impunity for threats, attacks and acts of intimidation against human rights defenders persists and that this has a negative impact on their work and safety,

[1] See *Official Records of the General Assembly, Sixty-third Session, Supplement No. 53* (A/63/53), chap. II.

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Gravely concerned further by the considerable number of communications received by the Special Rapporteur of the Human Rights Council on the situation of human rights defenders that, together with the reports submitted by some of the other special procedure mechanisms, indicates the serious nature of the risks faced by human rights defenders, in particular women human rights defenders,

Stressing the important role that individuals, civil society organizations, non-governmental organizations, groups, organs of society and independent national institutions play in the promotion and protection of all human rights and fundamental freedoms for all, including in addressing all forms of human rights violations, combating impunity, fighting poverty and discrimination, and promoting access to justice, democracy, tolerance, human dignity and the right to development, and recalling that all have rights as well as responsibilities and duties within and towards the community,

Recognizing the substantial role that human rights defenders can play in supporting efforts to strengthen peace and development, through dialogue, openness, participation and justice, including by monitoring, reporting on and contributing to the promotion and protection of human rights,

Recalling that, in accordance with article 4 of the International Covenant on Civil and Political Rights,[2] certain rights are recognized as non-derogable in any circumstances and that any measures derogating from other provisions of the Covenant must be in accordance with that article in all cases, and underlining the exceptional and temporary nature of any such derogations, as stated in General Comment No. 29 on states of emergency adopted by the Human Rights Committee on 24 July 2001,[3]

Welcoming the cooperation between the Special Rapporteur and other special procedures of the Human Rights Council, as well as other relevant United Nations bodies, offices, departments, specialized agencies and personnel, both at Headquarters and at the country level, within their mandates,

Welcoming also regional initiatives for the promotion and protection of human rights and the strengthened cooperation between international and regional mechanisms for the protection of human rights defenders, and encouraging further development in this regard,

Welcoming further the steps taken by some States towards adopting national policies or legislation for the protection of individuals, groups and organs of society engaged in promoting and defending human rights, including as follow-up to the universal periodic review mechanism of the Human Rights Council,

Recalling that the primary responsibility for promoting and protecting human rights rests with the State, reaffirming that national legislation consistent with the Charter of the United Nations and other international obligations of the State in the field of human rights and fundamental freedoms is the juridical framework within which human rights defenders conduct their activities, and noting with deep concern that the activities of some non-State actors pose a major threat to the security of human rights defenders,

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[2] See resolution 2200 A (XXI), annex.

[3] *Official Records of the General Assembly, Fifty-sixth Session, Supplement No. 40* (A/56/40), vol. I, annex VI.

Emphasizing the need for strong and effective measures for the protection of human rights defenders,

1. *Calls upon* all States to promote and give full effect to the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms,[4] including by taking, as appropriate, practical steps to that end;

2. *Welcomes* the reports of the Special Rapporteur of the Human Rights Council on the situation of human rights defenders[5] and her contribution to the effective promotion of the Declaration and the improvement of the protection of human rights defenders worldwide;

3. *Condemns* all human rights violations committed against persons engaged in promoting and defending human rights and fundamental freedoms around the world, and urges States to take all appropriate action, consistent with the Declaration and all other relevant human rights instruments, to prevent and eliminate such human rights violations;

4. *Calls upon* all States to take all measures necessary to ensure the protection of human rights defenders, at both the local and the national levels, including in times of armed conflict and peacebuilding;

5. *Calls upon* States to respect, protect and ensure the rights to freedom of expression and association of human rights defenders and in this regard to ensure, where procedures governing registration of civil society organizations exist, that these are transparent, non-discriminatory, expeditious, inexpensive, allow for the possibility to appeal and avoid requiring re-registration, in accordance with national legislation, and are in conformity with international human rights law;

6. *Urges* States to ensure that any measures to combat terrorism and preserve national security are in compliance with their obligations under international law, in particular under international human rights law, and do not hinder the work and safety of individuals, groups and organs of society engaged in promoting and defending human rights;

7. *Also urges* States to take appropriate measures to address the question of impunity for attacks, threats and acts of intimidation, including cases of gender-based violence, against human rights defenders and their relatives, including by ensuring that complaints from human rights defenders are promptly investigated and addressed in a transparent, independent and accountable manner;

8. *Urges* all States to cooperate with and assist the Special Rapporteur in the performance of her mandate and to provide all information in a timely manner, as well as to respond without undue delay to communications transmitted to them by the Special Rapporteur;

9. *Calls upon* States to give serious consideration to responding favourably to the requests of the Special Rapporteur to visit their countries, and urges them to enter into a constructive dialogue with the Special Rapporteur with respect to the follow-up to and implementation of her recommendations, so as to enable the Special Rapporteur to fulfil her mandate even more effectively;

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[4] Resolution 53/144, annex.

[5] See A/63/288 and A/64/226.

10. *Strongly encourages* States to translate the Declaration and to take measures to ensure its widest possible dissemination at the national and local levels;

11. *Encourages* States to promote awareness and training in regard to the Declaration in order to enable officials, agencies, authorities and members of the judiciary to observe the provisions of the Declaration and thus to promote better understanding and respect for individuals, groups and organs of society engaged in promoting and defending human rights, as well as for their work;

12. *Encourages* relevant United Nations bodies, including at the country level, within their respective mandates and working in cooperation with States, to give due consideration to the Declaration and to the reports of the Special Rapporteur, and in this context requests the Office of the United Nations High Commissioner for Human Rights to draw the attention of all relevant United Nations bodies, including at the country level, to the reports of the Special Rapporteur;

13. *Requests* the Office of the High Commissioner, as well as other relevant United Nations bodies, offices, departments and specialized agencies, within their respective mandates, to consider ways in which they can assist States in strengthening the role and security of human rights defenders, including in situations of armed conflict and peacebuilding;

14. *Requests* all concerned United Nations agencies and organizations, within their mandates, to provide all possible assistance and support to the Special Rapporteur for the effective fulfilment of her mandate, including through country visits;

15. *Requests* the Special Rapporteur to continue to report annually on her activities to the General Assembly and to the Human Rights Council in accordance with her mandate;

16. *Decides* to consider the question at its sixty-sixth session under the item entitled "Promotion and protection of human rights".

65th plenary meeting
18 December 2009

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Resolution adopted by the General Assembly

[on the report of the Third Committee (A/64/439/Add.2 (Part II))]

64/164. Elimination of all forms of intolerance and of discrimination based on religion or belief

The General Assembly,

Recalling its resolution 36/55 of 25 November 1981, by which it proclaimed the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief,

Recalling also article 18 of the International Covenant on Civil and Political Rights,[1] article 18 of the Universal Declaration of Human Rights[2] and other relevant human rights provisions,

Recalling further its previous resolutions on the elimination of all forms of intolerance and of discrimination based on religion or belief, including resolution 63/181 of 18 December 2008, as well as Human Rights Council resolution 10/25 of 27 March 2009,[3]

Recognizing the important work carried out by the Human Rights Committee in providing guidance with respect to the scope of the freedom of religion or belief,

Considering that religion or belief, for those who profess either, is one of the fundamental elements in their conception of life and that freedom of religion or belief should be fully respected and guaranteed,

Reaffirming that everyone has the right to freedom of thought, conscience and religion or belief, which includes the freedom to have or to adopt a religion or belief of one's choice and the freedom, either alone or in community with others and in public or private, to manifest one's religion or belief in teaching, practice, worship and observance,

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[1] See resolution 2200 A (XXI), annex.

[2] Resolution 217 A (III).

[3] See *Official Records of the General Assembly, Sixty-fourth Session, Supplement No. 53* (A/64/53), chap. II, sect. A.

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Deeply concerned at the limited progress that has been made in the elimination of all forms of intolerance and of discrimination based on religion or belief, and believing that further intensified efforts are therefore required to promote and protect the right to freedom of thought, conscience and religion or belief and to eliminate all forms of hatred, intolerance and discrimination based on religion or belief, as also noted at the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, as well as at the Durban Review Conference,

Concerned that acts of violence, or credible threats of violence, against persons belonging to religious minorities are sometimes tolerated or encouraged by official authorities,

Expressing deep concern at all forms of discrimination and intolerance, including prejudices against persons and derogatory stereotyping of persons, based on religion or belief,

Concerned about the rise in the number of laws or regulations that limit the freedom of religion or belief and the implementation of existing laws in a discriminatory manner,

Convinced of the need to address the rise in various parts of the world of religious extremism that affects the rights of individuals, the situations of violence and discrimination that affect many women as well as other individuals on the grounds or in the name of religion or belief or in accordance with cultural and traditional practices, and the misuse of religion or belief for ends inconsistent with the Charter of the United Nations, as well as other relevant instruments of the United Nations,

Seriously concerned at all attacks on religious places, sites and shrines in violation of international law, in particular human rights and humanitarian law, including any deliberate destruction of relics and monuments,

Emphasizing that States, regional organizations, non-governmental organizations, religious bodies and the media have an important role to play in promoting tolerance and respect for religious and cultural diversity and in the universal promotion and protection of human rights, including freedom of religion or belief,

Underlining the importance of education in the promotion of tolerance, which involves the acceptance by the public of, and its respect for, diversity, including with regard to religious expression, and underlining also the fact that education, in particular at school, should contribute in a meaningful way to promoting tolerance and the elimination of discrimination based on religion or belief,

1. *Condemns* all forms of intolerance and of discrimination based on religion or belief, as well as violations of freedom of thought, conscience and religion or belief;

2. *Stresses* that the right to freedom of thought, conscience and religion applies equally to all persons, regardless of their religions or beliefs, and without any discrimination as to their equal protection by the law;

3. *Emphasizes* that, as underlined by the Human Rights Committee, restrictions on the freedom to manifest one's religion or belief are permitted only if limitations are prescribed by law, are necessary to protect public safety, order, health or morals, or the fundamental rights and freedoms of others, are non-discriminatory and are applied in a manner that does not vitiate the right to freedom of thought, conscience and religion;

4. *Also emphasizes* that freedom of religion or belief and freedom of expression are interdependent, interrelated and mutually reinforcing;

5. *Recognizes with deep concern* the overall rise in instances of intolerance and violence directed against members of many religious and other communities in various parts of the world, including cases motivated by Islamophobia, anti-Semitism and Christianophobia;

6. *Condemns* any advocacy of religious hatred that constitutes incitement to discrimination, hostility or violence, whether it involves the use of print, audio-visual or electronic media or any other means;

7. *Expresses concern* over the persistence of institutionalized social intolerance and discrimination practised against many on the grounds of religion or belief, and emphasizes that legal procedures pertaining to religious or belief-based groups and places of worship are not a prerequisite for the exercise of the right to manifest one's religion or belief, and that such procedures, when legally required at the national or local level, should be non-discriminatory in order to contribute to the effective protection of the right of all persons to practise their religion or belief, either individually or in community with others and in public or private;

8. *Recognizes with concern* the situation of persons in vulnerable situations, including persons deprived of their liberty, refugees, asylum-seekers and internally displaced persons, children, persons belonging to national or ethnic, religious and linguistic minorities and migrants, as regards their ability to freely exercise their right to freedom of religion or belief;

9. *Emphasizes* that States have an obligation to exercise due diligence to prevent, investigate and punish acts of violence against persons belonging to religious minorities, regardless of the perpetrator, and that failure to do so may constitute a human rights violation;

10. *Also emphasizes* that no religion should be equated with terrorism, as this may have adverse consequences on the enjoyment of the right to freedom of religion or belief of all members of the religious communities concerned;

11. *Urges* States to step up their efforts to protect and promote freedom of thought, conscience and religion or belief, and to this end:

(*a*) To ensure that their constitutional and legislative systems provide adequate and effective guarantees of freedom of thought, conscience, religion and belief to all without distinction, inter alia, by the provision of effective remedies in cases where the right to freedom of thought, conscience, religion or belief, or the right to practise freely one's religion, including the right to change one's religion or belief, is violated;

(*b*) To ensure that no one within their jurisdiction is deprived of the right to life, liberty or security of person because of religion or belief and that no one is subjected to torture or other cruel, inhuman or degrading treatment or punishment, or arbitrary arrest or detention on that account and to bring to justice all perpetrators of violations of these rights;

(*c*) To end violations of the human rights of women and to devote particular attention to abolishing practices that discriminate against women, including in the exercise of their right to freedom of thought, conscience and religion or belief;

(*d*) To ensure that no one is discriminated against on the basis of his or her religion or belief when accessing, inter alia, education, medical care, employment,

humanitarian assistance or social benefits, and to ensure that everyone has the right and the opportunity to have access, on general terms of equality, to public services in one's country, without any discrimination on the basis of religion or belief;

(*e*) To review, whenever relevant, existing registration practices in order to ensure that such practices do not limit the right of all persons to manifest their religion or belief, either alone or in community with others and in public or private;

(*f*) To ensure that no official documents are withheld from the individual on the grounds of religion or belief and that everyone has the right to refrain from disclosing information concerning one's religious affiliation on such documents against one's will;

(*g*) To ensure, in particular, the right of all persons to worship, assemble or teach in connection with a religion or belief and their right to establish and maintain places for these purposes and the right of all persons to write, issue and disseminate relevant publications in these areas;

(*h*) To exert the utmost efforts, in accordance with their national legislation and in conformity with international human rights law, to ensure that religious places, sites, shrines and symbols are fully respected and protected and to take additional measures in cases where they are vulnerable to desecration and destruction;

(*i*) To ensure that, in accordance with appropriate national legislation and in conformity with international human rights law, the freedom of all persons and members of groups to establish and maintain religious, charitable or humanitarian institutions is fully respected and protected;

(*j*) To ensure that all public officials and civil servants, including members of law enforcement bodies and personnel of detention facilities, the military and educators, in the course of fulfilling their official duties, respect freedom of religion or belief and do not discriminate for reasons based on religion or belief, and that all necessary and appropriate awareness-raising, education or training is provided;

(*k*) To take all necessary and appropriate action, in conformity with international standards of human rights, to combat hatred, discrimination, intolerance and acts of violence, intimidation and coercion motivated by intolerance based on religion or belief, as well as incitement to hostility and violence, with particular regard to members of religious minorities in all parts of the world;

(*l*) To promote, through education and other means, understanding, tolerance, non-discrimination and respect in all matters relating to freedom of religion or belief by encouraging a wider knowledge in the society at large of the history, traditions, languages and culture of the various religious minorities existing within their jurisdiction;

(*m*) To prevent any distinction, exclusion, restriction or preference based on religion or belief which impairs the recognition, enjoyment or exercise of human rights and fundamental freedoms on an equal basis, and to detect signs of intolerance that may lead to discrimination based on religion or belief;

12. *Stresses* the importance of a continued and strengthened dialogue in all its forms, including among and within religions or beliefs, and with broader participation, including of women, to promote greater tolerance, respect and mutual understanding, and welcomes different initiatives in this regard, including the Alliance of Civilizations and the programmes led by the United Nations Educational, Scientific and Cultural Organization;

13. *Welcomes and encourages* the continuing efforts of all actors in society, including non-governmental organizations and bodies and groups based on religion or belief, to promote the implementation of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief,[4] and further encourages their work in promoting freedom of religion or belief and in highlighting cases of religious intolerance, discrimination and persecution;

14. *Recommends* that States, the United Nations and other actors, including non-governmental organizations and bodies and groups based on religion or belief, in their efforts to promote freedom of religion or belief, ensure the widest possible dissemination of the text of the Declaration, in as many different languages as possible, and promote its implementation;

15. *Welcomes* the work and the interim report of the Special Rapporteur of the Human Rights Council on freedom of religion or belief;[5]

16. *Urges* all Governments to cooperate fully with the Special Rapporteur, to respond favourably to her requests to visit their countries and to provide all necessary information for the effective fulfilment of her mandate;

17. *Requests* the Secretary-General to ensure that the Special Rapporteur receives the resources necessary to fully discharge her mandate;

18. *Requests* the Special Rapporteur to submit an interim report to the General Assembly at its sixty-fifth session;

19. *Decides* to consider the question of the elimination of all forms of religious intolerance at its sixty-fifth session under the item entitled "Promotion and protection of human rights".

65th plenary meeting
18 December 2009

[4] See resolution 36/55.

[5] See A/64/159.

General Assembly

Distr.: General
19 March 2010

Sixty-fourth session
Agenda item 69 (*b*)

Resolution adopted by the General Assembly

[*on the report of the Third Committee (A/64/439/Add.2 (Part II))*]

64/165. Subregional Centre for Human Rights and Democracy in Central Africa

The General Assembly,

Recalling its resolution 55/105 of 4 December 2000 concerning regional arrangements for the promotion and protection of human rights,

Recalling also its resolutions 55/34 B of 20 November 2000 and 55/233 of 23 December 2000, section III of its resolution 55/234 of 23 December 2000, its resolution 56/253 of 24 December 2001 and its resolutions 58/176 of 22 December 2003, 59/183 of 20 December 2004, 60/151 of 16 December 2005, 61/158 of 19 December 2006, 62/221 of 22 December 2007 and 63/177 of 18 December 2008 on the Subregional Centre for Human Rights and Democracy in Central Africa,

Recalling further that the World Conference on Human Rights recommended that more resources be made available for the strengthening of regional arrangements for the promotion and protection of human rights under the programme of technical cooperation in the field of human rights of the Office of the United Nations High Commissioner for Human Rights,[1]

Recalling the report of the High Commissioner,[2]

Taking note of the holding of the twenty-eighth ministerial meeting of the United Nations Standing Advisory Committee on Security Questions in Central Africa, in Libreville from 4 to 8 May 2009,

Taking note also of the report of the Secretary-General,[3]

Welcoming the 2005 World Summit Outcome,[4] in particular the decision confirmed therein to double the regular budget of the Office of the High Commissioner over the next five years,

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[1] See A/CONF.157/24 (Part I), chap. III.

[2] *Official Records of the General Assembly, Fifty-sixth Session, Supplement No. 36*, addendum (A/56/36/Add.1).

[3] A/64/333.

[4] See resolution 60/1.

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1. *Welcomes* the activities of the Subregional Centre for Human Rights and Democracy in Central Africa at Yaoundé;

2. *Notes with satisfaction* the support provided for the establishment of the Centre by the host country;

3. *Takes note* of the implementation of the three-year strategy (2007–2009) for the Centre, which aims to reinforce its activities;[5]

4. *Welcomes* the brainstorming session held in Yaoundé on 28 May 2009 between the Centre and the ambassadors of the subregion as well as the main Cameroonian ministries on possible orientations and activities of the Centre for the period 2009–2011, and encourages the Director of the Centre to institutionalize such exchanges in the future;

5. *Notes* the efforts of the Secretary-General and the United Nations High Commissioner for Human Rights to ensure the full implementation of the relevant resolutions of the General Assembly[6] in order to provide sufficient funds and human resources for the missions of the Centre;

6. *Requests* the Secretary-General and the High Commissioner to continue to provide additional funds and human resources within the existing resources of the Office of the High Commissioner to enable the Centre to respond positively and effectively to the growing needs in the promotion and protection of human rights and in developing a culture of democracy and the rule of law in the Central African subregion;

7. *Requests* the Secretary-General to submit to the General Assembly at its sixty-sixth session a report on the implementation of the present resolution.

65th plenary meeting
18 December 2009

[5] See A/62/317, paras. 14–19.

[6] See resolutions 61/158, 62/221 and 63/177.

General Assembly

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Sixty-fourth session
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Resolution adopted by the General Assembly

[*on the report of the Third Committee (A/64/439/Add.2 (Part II))*]

64/166. Protection of migrants

The General Assembly,

Recalling all its previous resolutions on the protection of migrants, the most recent of which is resolution 63/184 of 18 December 2008, and recalling also Human Rights Council resolution 12/6 of 1 October 2009,[1]

Reaffirming the Universal Declaration of Human Rights,[2] which proclaims that all human beings are born free and equal in dignity and rights and that everyone is entitled to all the rights and freedoms set out therein, without distinction of any kind, in particular as to race, colour or national origin,

Reaffirming also that everyone has the right to freedom of movement and residence within the borders of each State, and to leave any country, including his own, and return to his country,

Recalling the International Covenant on Civil and Political Rights[3] and the International Covenant on Economic, Social and Cultural Rights,[3] the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,[4] the Convention on the Elimination of All Forms of Discrimination against Women,[5] the Convention on the Rights of the Child,[6] the International Convention on the Elimination of All Forms of Racial Discrimination,[7] the Convention on the Rights of Persons with Disabilities,[8] the Vienna Convention on Consular Relations[9] and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families,[10]

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[1] See A/HRC/12/50, part one, chap. I.

[2] Resolution 217 A (III).

[3] See resolution 2200 A (XXI), annex.

[4] United Nations, *Treaty Series*, vol. 1465, No. 24841.

[5] Ibid., vol. 1249, No. 20378.

[6] Ibid., vol. 1577, No. 27531.

[7] Ibid., vol. 660, No. 9464.

[8] Resolution 61/106, annex I.

[9] United Nations, *Treaty Series*, vol. 596, No. 8638.

[10] Ibid., vol. 2220, No. 39481.

Recalling also the provisions concerning migrants contained in the outcome documents of all major United Nations conferences and summits, including the Outcome of the Conference on the World Financial and Economic Crisis and Its Impact on Development,[11] which recognizes that migrant workers are among the most vulnerable in the context of the current crisis,

Recalling further Commission on Population and Development resolutions 2006/2 of 10 May 2006[12] and 2009/1 of 3 April 2009,[13]

Taking note with appreciation of the United Nations Development Programme *Human Development Report 2009: Overcoming Barriers – Human Mobility and Development*,[14]

Taking note of advisory opinion OC-16/99 of 1 October 1999 on the Right to Information on Consular Assistance in the Framework of the Guarantees of the Due Process of Law and advisory opinion OC-18/03 of 17 September 2003 on the Juridical Condition and Rights of Undocumented Migrants, issued by the Inter-American Court of Human Rights,

Taking note also of the Judgment of the International Court of Justice of 31 March 2004 in the case concerning *Avena and Other Mexican Nationals*,[15] and the Judgment of the Court of 19 January 2009 regarding the Request for interpretation of the *Avena* Judgment,[16] and recalling the obligations of States reaffirmed in both decisions,

Underlining the importance of the Human Rights Council in promoting respect for the protection of the human rights and fundamental freedoms of all, including migrants,

Recognizing the increasing participation of women in international migration movements,

Recalling the High-level Dialogue on International Migration and Development, held in New York on 14 and 15 September 2006 for the purpose of discussing the multidimensional aspects of international migration and development, which recognized the relationship between international migration, development and human rights,

Noting the second and third meetings of the Global Forum on Migration and Development, held in Manila from 27 to 30 October 2008 and in Athens from 2 to 5 November 2009, respectively, recognizing the discussion on the theme "Inclusion, protection and acceptance of migrants in society: linking human rights and migrant empowerment for development" as a step to address the multidimensional nature of

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[11] Resolution 63/303, annex.

[12] See *Official Records of the Economic and Social Council, 2006, Supplement No. 5* (E/2006/25), chap. I, sect. B.

[13] Ibid., *2009, Supplement No. 5* (E/2009/25), chap. I, sect. B.

[14] United Nations publication, Sales No. E.09.III.B.1.

[15] See *Official Records of the General Assembly, Fifty-ninth Session, Supplement No. 4* (A/59/4), chap. V, sect. A.23; see also *Avena and Other Mexican Nationals (Mexico v. United States of America), Judgment, I.C.J. Reports 2004*, p. 12.

[16] See *Official Records of the General Assembly, Sixty-fourth Session, Supplement No. 4* (A/64/4), chap. V, sect. B.12. See also *Request for Interpretation of the Judgment of 31 March 2004 in the Case concerning* Avena and Other Mexican Nationals (Mexico *v.* United States of America) *(Mexico v. United States of America), Judgment* (available from www.icj-cij.org/docket/files/139/14939.pdf).

international migration, and taking note with appreciation of the generous offers of the Governments of Mexico and Spain to host the meetings of the Global Forum in 2010 and 2011, respectively,

Recognizing the cultural and economic contributions made by migrants to receiving societies and their communities of origin, as well as the need to identify appropriate means of maximizing development benefits and responding to the challenges which migration poses to countries of origin, transit and destination, especially in the light of the impact of the economic and financial crisis, and committing to ensuring dignified, humane treatment with applicable protections and to strengthening mechanisms for international cooperation,

Emphasizing the global character of the migratory phenomenon, the importance of international, regional and bilateral cooperation and dialogue in this regard, as appropriate, and the need to protect the human rights of migrants, particularly at a time in which migration flows have increased in the globalized economy and take place in a context of new security concerns,

Bearing in mind that policies and initiatives on the issue of migration, including those that refer to the orderly management of migration, should promote holistic approaches that take into account the causes and consequences of the phenomenon, as well as full respect for the human rights and fundamental freedoms of migrants,

Stressing the importance of regulations and laws regarding irregular migration being in accordance with the obligations of States under international law, including international human rights law,

Concerned about the large and growing number of migrants, especially women and children, who place themselves in a vulnerable situation by attempting to cross international borders without the required travel documents, and recognizing the obligation of States to respect the human rights of those migrants,

Stressing that penalties and the treatment given to irregular migrants should be commensurate with their infraction,

Recognizing the importance of having a comprehensive and balanced approach to international migration, and bearing in mind that migration enriches the economic, political, social and cultural fabric of States and the historical and cultural ties that exist among some regions,

Recognizing also the obligations of countries of origin, transit and destination under international human rights law,

Underlining the importance for States, in cooperation with non-governmental organizations, to undertake information campaigns aimed at clarifying opportunities, limitations and rights in the event of migration, so as to enable everyone to make informed decisions and to prevent anyone from utilizing dangerous means to cross international borders,

1. *Calls upon* States to promote and protect effectively the human rights and fundamental freedoms of all migrants, regardless of their migration status, especially those of women and children, and to address international migration through international, regional or bilateral cooperation and dialogue and through a comprehensive and balanced approach, recognizing the roles and responsibilities of countries of origin, transit and destination in promoting and protecting the human rights of all migrants, and avoiding approaches that might aggravate their vulnerability;

2. *Expresses its concern* over the impact of the current economic and financial crisis on international migration and migrants, and in that regard urges Governments to combat unfair and discriminatory treatment of migrants, particularly migrant workers and their families;

3. *Reaffirms* the rights set forth in the Universal Declaration of Human Rights[2] and the obligations of States under the International Covenants on Human Rights,[3] and in this regard:

(*a*) Strongly condemns the manifestations and acts of racism, racial discrimination, xenophobia and related intolerance against migrants and the stereotypes often applied to them, including on the basis of religion or belief, and urges States to apply and, where needed, reinforce the existing laws when xenophobic or intolerant acts, manifestations or expressions against migrants occur, in order to eradicate impunity for those who commit xenophobic and racist acts;

(*b*) Expresses concern at legislation and measures adopted by some States that may restrict the human rights and fundamental freedoms of migrants, and reaffirms that, when exercising their sovereign right to enact and implement migratory and border security measures, States have the duty to comply with their obligations under international law, including international human rights law, in order to ensure full respect for the human rights of migrants;

(*c*) Calls upon States to ensure that their laws and policies, including in the areas of counter-terrorism and combating transnational organized crime, such as trafficking in persons and smuggling of migrants, fully respect the human rights of migrants;

(*d*) Calls upon States that have not done so to consider signing and ratifying or acceding to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families[10] as a matter of priority, and requests the Secretary-General to continue his efforts to promote and raise awareness of the Convention;

(*e*) Takes note of the report of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families on its ninth and tenth sessions;[17]

4. *Also reaffirms* the duty of States to effectively promote and protect the human rights and fundamental freedoms of all migrants, especially those of women and children, regardless of their immigration status, in conformity with the Universal Declaration of Human Rights and the international instruments to which they are party, and therefore:

(*a*) Calls upon all States to respect the human rights and the inherent dignity of migrants and to put an end to arbitrary arrest and detention and, where necessary, to review detention periods in order to avoid excessive detention of irregular migrants, and to adopt, where applicable, alternative measures to detention;

(*b*) Urges all States to adopt effective measures to prevent and punish any form of illegal deprivation of liberty of migrants by individuals or groups;

(*c*) Takes note with appreciation of the measures adopted by some States to reduce detention periods in cases of undocumented migration, in the application of domestic regulations and laws regarding irregular migration;

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[17] *Official Records of the General Assembly, Sixty-fourth Session, Supplement No. 48* (A/64/48).

(*d*) Also takes note with appreciation of the successful implementation by some States of alternative measures to detention in cases of undocumented migration as a practice that deserves consideration by all States;

(*e*) Requests States to adopt concrete measures to prevent the violation of the human rights of migrants while in transit, including in ports and airports and at borders and migration checkpoints, to train public officials who work in those facilities and in border areas to treat migrants respectfully and in accordance with the law, and to prosecute, in conformity with applicable law, any act of violation of the human rights of migrants, inter alia, arbitrary detention, torture and violations of the right to life, including extrajudicial executions, during their transit from their country of origin to the country of destination and vice versa, including their transit through national borders;

(*f*) Underlines the right of migrants to return to their country of citizenship, and recalls that States must ensure that their returning nationals are duly received;

(*g*) Reaffirms emphatically the duty of States parties to ensure full respect for and observance of the Vienna Convention on Consular Relations,[7] in particular with regard to the right of all foreign nationals, regardless of their immigration status, to communicate with a consular official of the sending State in case of arrest, imprisonment, custody or detention, and the obligation of the receiving State to inform the foreign national without delay of his or her rights under the Convention;

(*h*) Requests all States, in conformity with national legislation and applicable international legal instruments to which they are party, to enforce labour law effectively, including by addressing violations of such law, with regard to migrant workers' labour relations and working conditions, inter alia, those related to their remuneration and conditions of health, safety at work and the right to freedom of association;

(*i*) Encourages all States to remove unlawful obstacles that may prevent the safe, transparent, unrestricted and expeditious transfer of remittances, earnings, assets and pensions of migrants to their country of origin or to any other countries, in conformity with applicable legislation, and to consider, as appropriate, measures to solve other problems that may impede such transfers;

(*j*) Recalls that the Universal Declaration of Human Rights recognizes that everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted to him or her;

5. *Emphasizes* the importance of protecting persons in vulnerable situations, and in this regard:

(*a*) Welcomes immigration programmes, adopted by some countries, that allow migrants to integrate fully into the host countries, facilitate family reunification and promote a harmonious, tolerant and respectful environment, and encourages States to consider the possibility of adopting these types of programmes;

(*b*) Encourages all States to develop international migration policies and programmes that include a gender perspective, in order to adopt the measures necessary to better protect women and girls against dangers and abuse during migration;

(*c*) Calls upon States to protect the human rights of migrant children, given their vulnerability, particularly unaccompanied migrant children, ensuring that the best interests of the child are a primary consideration in their policies of integration, return and family reunification;

(*d*) Encourages all States to prevent and eliminate discriminatory policies that deny migrant children access to education;

(*e*) Urges States to ensure that repatriation mechanisms allow for the identification and special protection of persons in vulnerable situations, including persons with disabilities, and take into account, in conformity with their international obligations and commitments, the principle of the best interests of the child and family reunification;

(*f*) Urges States parties to the United Nations Convention against Transnational Organized Crime[18] and supplementing protocols thereto, namely, the Protocol against the Smuggling of Migrants by Land, Sea and Air[19] and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children,[20] to implement them fully, and calls upon States that have not done so to consider ratifying or acceding to them as a matter of priority;

6. *Stresses* the importance of international, regional and bilateral cooperation in the protection of the human rights of migrants, and therefore:

(*a*) Requests all States, international organizations and relevant stakeholders to take into account in their policies and initiatives on migration issues the global character of the migratory phenomenon and to give due consideration to international, regional and bilateral cooperation in this field, including by undertaking dialogues on migration that include countries of origin, destination and transit, as well as civil society, including migrants, with a view to addressing, in a comprehensive manner, inter alia, its causes and consequences and the challenge of undocumented or irregular migration, granting priority to the protection of the human rights of migrants;

(*b*) Requests Member States, the United Nations system, international organizations, civil society and all relevant stakeholders, especially the United Nations High Commissioner for Human Rights and the Special Rapporteur of the Human Rights Council on the human rights of migrants, to ensure that the perspective of the human rights of migrants is included among the priority issues in the ongoing discussions on international migration and development within the United Nations system, and in this regard underlines the importance of adequately taking into account the human rights perspective as one of the priorities of the informal thematic debate on international migration and development, to be held in 2011, as well as in the High-level Dialogue on International Migration and Development, which will take place during the sixty-eighth session of the General Assembly, in 2013, as decided by the Assembly in its resolution 63/225 of 19 December 2008;

(*c*) Invites the Chair of the Committee to address the General Assembly at its sixty-fifth session under the item entitled "Promotion and protection of human rights";

(*d*) Invites the Special Rapporteur to submit his report to the General Assembly at its sixty-fifth session under the item entitled "Promotion and protection of human rights";

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[18] United Nations, *Treaty Series*, vol. 2225, No. 39574.

[19] Ibid., vol. 2241, No. 39574.

[20] Ibid., vol. 2237, No. 39574.

7. *Requests* the Secretary-General to provide the resources necessary, from within existing resources of the United Nations, for the Committee to meet for a maximum of three weeks in one session or in two separate sessions in 2010, as required by the number of reports submitted to the Committee, and requests the Committee to further consider ways of improving the effectiveness of its working sessions and to report to the General Assembly on the use of its meeting time;

8. *Also requests* the Secretary-General to submit a report on the implementation of the present resolution to the General Assembly at its sixty-fifth session and to include in that report an analysis of the ways and means to promote the human rights of migrants, in particular children, and decides to examine the question further under the item entitled "Promotion and protection of human rights".

65th plenary meeting
18 December 2009

General Assembly

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Sixty-fourth session
Agenda item 69 (*b*)

Resolution adopted by the General Assembly

[*on the report of the Third Committee (A/64/439/Add.2 (Part III))*]

64/167. International Convention for the Protection of All Persons from Enforced Disappearance

The General Assembly,

Reaffirming its resolution 61/177 of 20 December 2006, by which it adopted and opened for signature, ratification and accession the International Convention for the Protection of All Persons from Enforced Disappearance,

Recalling its resolution 47/133 of 18 December 1992, by which it adopted the Declaration on the Protection of All Persons from Enforced Disappearances as a body of principles for all States,

Recalling also its resolution 63/186 of 18 December 2008, as well as relevant resolutions adopted by the Human Rights Council, including resolution 10/10 of 26 March 2009,[1] in which the Council took note of the report of the Working Group on Enforced or Involuntary Disappearances[2] and the recommendations contained therein,

Deeply concerned, in particular, by the increase in enforced or involuntary disappearances in various regions of the world, including arrest, detention and abduction, when these are part of or amount to enforced disappearances, and by the growing number of reports concerning harassment, ill-treatment and intimidation of witnesses of disappearances or relatives of persons who have disappeared,

Recalling that the Convention sets out the right of victims to know the truth regarding the circumstances of the enforced disappearance, the progress and results of the investigation and the fate of the disappeared person, and sets forth State party obligations to take appropriate measures in this regard,

Acknowledging that acts of enforced disappearance are recognized in the Convention as crimes against humanity, in certain circumstances,

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[1] See *Official Records of the General Assembly, Sixty-fourth Session, Supplement No. 53* (A/64/53), chap. II, sect. A.

[2] A/HRC/10/9 and Add.1.

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Acknowledging also the valuable work of the International Committee of the Red Cross in promoting compliance with international humanitarian law in this field,

Recognizing that the entry into force of the Convention, as soon as possible, through its ratification by twenty States, and its implementation, will be a significant contribution to ending impunity and to the promotion and protection of all human rights for all,

1. *Welcomes* the adoption of the International Convention for the Protection of All Persons from Enforced Disappearance;[3]

2. *Also welcomes* the fact that eighty-one States have signed the Convention and eighteen have ratified or acceded to it, and calls upon States that have not yet done so to consider signing and ratifying or acceding to the Convention as a matter of priority, as well as to consider the option provided for in articles 31 and 32 of the Convention regarding the Committee on Enforced Disappearances, with a view to its entry into force by December 2009;

3. *Further welcomes* the report of the Secretary-General;[4]

4. *Requests* the Secretary-General and the United Nations High Commissioner for Human Rights to continue with their intensive efforts to assist States to become parties to the Convention, with a view to achieving universal adherence;

5. *Requests* United Nations agencies and organizations, and invites intergovernmental and non-governmental organizations and the Working Group on Enforced or Involuntary Disappearances, to continue undertaking efforts to disseminate information on the Convention, to promote understanding of it, to prepare for its entry into force and to assist States parties in implementing their obligations under this instrument;

6. *Requests* the Secretary-General to submit to the General Assembly at its sixty-fifth session a report on the status of the Convention and the implementation of the present resolution.

65th plenary meeting
18 December 2009

[3] Resolution 61/177, annex.

[4] A/64/171.